



COURT MARTIAL

Citation: *R. v. Cribbie*, 2018 CM 3008

Date: 20180618

Docket: 201727

Standing Court Martial

Canadian Forces Base Borden
Borden, Ontario, Canada

Between:

Her Majesty the Queen

- and -

Master Corporal T.J. Cribbie, Offender

Before: Lieutenant-Colonel L.-V. d'Auteuil, M.J.

REASONS FOR SENTENCE

(Orally)

[1] Master Corporal Cribbie pleaded guilty to the first and only charge on the charge sheet that reads as follows:

FIRST CHARGE	CONDUCT TO THE PREJUDICE OF GOOD ORDER AND DISCIPLINE
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S. 129 *NDA*

Particulars: In that he, on or between 14 and 16 September 2015, at or near Borden, Ontario, posted improper comments on the social networking website Facebook that prejudice morale and internal cohesion of his Unit.

[2] The Court accepted and recorded your plea of guilty and now finds you guilty of this charge.

[3] The prosecutor and the offender's defence counsel made a joint submission on the sentence to be imposed by this Court. They jointly recommended that this Court sentence you to a fine in the amount of \$1,550.

[4] In the particular context of an armed force, the military justice system constitutes the ultimate means of enforcing discipline, which is a fundamental element of the military activity in the Canadian Armed Forces (CAF). The purpose of this system is to prevent misconduct or, in a more positive way, promote good conduct. It is through discipline that an armed force ensures that its members will accomplish, in a trusting and reliable manner, successful missions. The military justice system also ensures that public order is maintained and that those subject to the Code of Service Discipline are punished in the same way as any other person living in Canada.

[5] The evidence before this Court includes a Statement of Circumstances, which reads as follows:

“STATEMENT OF CIRCUMSTANCES

1. At all material times, Master Corporal Cribbie was a member of the Canadian Armed Forces, Regular Force. He was serving as a non-commissioned member of the Military Police, Military Police Unit Borden, Canadian Forces Base Borden, Borden, Ontario.

2. On 14 September 2015, Sgt MacEachern, Canadian Forces National Investigation Service (CFNIS), contacted Master Corporal Cribbie for the purpose of booking a subject interview with Master Corporal Cribbie on 16 September 2015. Sgt MacEachern briefed Master Corporal Cribbie on the general circumstances of the interview. Master Corporal Cribbie agreed to attend the interview.

3. On 16 September 2015, Sgt MacEachern attended the CFNIS Detachment in Borden for the purposes of conducting the interview with Master Corporal Cribbie. Sgt MacEachern was met by Sgt Bekkers, CFNIS, who informed him that he had viewed and electronically captured multiple posts made by Master Corporal Cribbie on the social networking site Facebook.

4. The Facebook posts were posted by Master Corporal Cribbie on or between 14 and 16 September 2015, at or near Borden, Ontario;

5. The Facebook posts included the following information:

- a. A picture of Master Corporal Cribbie in Canadian Armed Forces desert CADPAT uniform with Military Police identifiers;
 - b. References to Jewish Rabbis as being:
 - (1) Heathen bastards;
 - (2) dick-sucking; and
 - (3) kikes (an offensive term used to refer to a Jewish person);
 - c. References to Jewish people as being:
 - (1) Kikes
 - d. insinuations that the Canadian Forces Military Police are:
 - (1) Morons and faggots supporting dick-sucking rabbis;
 - e. References to catholic priests as being:
 - (1) Faggots and pedophiles;
 - f. Master Corporal Cribbie was aware that his posts would be available for widespread public viewing.
6. Comments such as these:
- a. Corrode the moral and internal cohesion of a unit;
 - b. Effect the foundation of esprit de corps;
 - c. Are totally incompatible with the military ethos and effective military service;
 - d. Impair the ability of Service members to treat others fairly and impartially;
 - e. Create an impression with the public of Canada and other nations that the CAF cannot be relied upon to perform peacekeeping and other international commitments, or to provide assistance to Canadian authorities in handling internal disputes fairly and impartially without regard to the race, national or ethnic origin, colour or religion of the parties involved; and

7. Master Corporal Cribbie, in making the Facebook posts, knew they were offensive in nature and knew that making the improper comments on Facebook was prejudicial to good order and discipline.

8. Master Corporal Cribbie, fully acknowledges the posting of the comments on the social networking website Facebook and he accepts full responsibility for his actions.”

[6] The evidence also includes an agreed Statement of Facts, which reads as follows:

“STATEMENT OF FACTS

1. The pre-charge delay in this case is a relevant consideration. Despite the offense being committed between 14 and 16 September 2015 and the reality that much of the supporting evidence was available to the investigators on 16 September 2015, no charge was laid until 26 October 2016.

2. As a result of the broader investigation into Master Corporal Cribbie’s improper comments, his military police credentials were revoked in 2014. As a result, Master Corporal Cribbie has been required to serve in a trade that he did not enrolled in, the navy trade of steward.

3. Despite serving in this alternate trade, Master Corporal Cribbie endeavored to perform his new duties professionally and effectively. As a consequence, on 5 September 2017 he received the Commanding Officer of the Administration Branch Coin in recognition of his excellent work as a steward.

4. Since the commission of the offense, Master Corporal Cribbie has been described in his Personnel Evaluation Reports (PER) as performing well under pressure, consistently promoting team work and deflecting conflict when it arouses. Additionally, his PER reports that Master Corporal Cribbie can be counted on to fulfil any task presented to him in a timely and conscientious manner, that he communicates effectively with outside organisation and that he provides sound leadership.

5. Since the commission of the offense, Master Corporal Cribbie made positive efforts towards his rehabilitation by attending and successfully completing the Managing Angry Moments course on 24 August 2017 at CFB Borden;

6. Master Corporal Cribbie financially supports his 20 year old son who is pursuing higher education.

7. Master Corporal Cribbie is currently experiencing financial difficulties.”

[7] Although this Court is not bound by the joint recommendation made by counsel, it is generally accepted that the sentencing judge should depart from the joint submission only when it is contrary to the public interest, as stated by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43, at paragraph 32.

[8] The only situation where the court would depart from the recommendation is where the proposed sentence would be viewed by reasonable and informed persons as a breakdown in the proper functioning of the justice system and this includes courts martial. However, lawyers must provide to the court a full account of the offender’s situation and of the circumstances of the offence in the joint submission. Here, the Court is satisfied with the information and the additional explanation provided by counsel. In fact, they provided sufficient and detailed information for the Court to appreciate the joint submission arising from their discussions in the specific context they were dealing with.

[9] In this case, the principles and objectives of specific and general deterrence and denunciation were an integral part of counsel’s discussions and the basis of their joint submission, and I would add that rehabilitation was also a concern for both parties during their discussions.

[10] Master Corporal Cribbie enrolled in March 2007 as a military policeman (MP). He was appointed as a master corporal in 2013. The incident that brought him before this court occurred in 2015, however, his credentials as an MP were suspended in 2014 as a result of an unrelated broader investigation. So consequently, starting in 2014, he served in the Navy trade of steward and performed well since then. The impact of the loss of credentials on his career was a consideration for counsel in the resolution of this case.

[11] Looking at the matter as a whole, I will accept the joint submission made by counsel to sentence you to a fine in the amount of \$1,550 as it is not contrary to the public interest and will not bring the administration of justice into disrepute. I also understand that this court martial will close a chapter regarding your conduct and you will be able to turn the page and also the CAF will be able to go forward with some other issues concerning your career. I won’t spend a lot of time telling you about what is proper or not. I think you did the proper work. Consideration was given by counsel to the work and the responsibility you took regarding what happened and also considering your experience. I think you had time to fully consider what you have done and the impact on this, so I won’t spend time on that. I know you understand the lesson from what happened.

FOR THESE REASONS, THE COURT:

[12] **FINDS** Master Corporal Cribbie guilty of the first charge on the charge sheet for conduct to the prejudice of good order and discipline.

[13] **SENTENCES** Master Corporal Cribbie to a fine in the amount of \$1,550, payable in seven monthly instalments of \$200, starting on the 1st of July 2018, and with a final monthly instalment of \$150. If in the next few months, for any reason you are released from the Canadian Forces, the balance due will be fully payable to the CAF.

Counsel:

The Director of Military Prosecutions as represented by Major R.J. Gauvin

Major A. G  linas-Proulx, Defence Counsel Services, Counsel for Master Corporal T. J. Cribbie